



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PLANNING COMMISSION MINUTES

REGULAR MEETING

JANUARY 18, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Associate Engineer (AE) Creer, Associate Engineer (AE) Behzad, Assistant Planner (AP) Tolentino, Housing Program Coordinator (HPC) Balderas, and Administrative Secretary Smith

SPECIAL MEETING

Chairman Pinion called the regular meeting to order at 5:10 p.m.

DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chairman Pinion opened the meeting to public comments.

There being no comments, the public comments were closed.

LEGALLY NOTICED PUBLIC HEARINGS

OLD BUSINESS

1) RDCS APPLICATIONS

The following Measure P (MP) applications have requested building allocations for Fiscal Year 2001-2002 under the City's Residential Development Control System to pursuant Chapter 18.78 of the Morgan Hill Municipal Code.

3.1) MP-99-23: COCHRANE-MISSION RANCH: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 33 single family units on 23.18 acres located south of Cochrane Rd., west of Peet Rd., east of Mission View Dr. PM Rowe gave a brief description of the project, and reviewed the Staff recommendations for point adjustments. 1) 1 additional point awarded for fire response under the Orderly and Contiguous criterion B2, based on the revised roll times provided by the County Fire

Dept. bringing the adjusted score to 14; and 2) 1 point was deducted from the Open Space criterion B2 because the BMR areas were subtracted from the open space calculations, when the BMRs are not a result of the density bonus. These adjustments resulted in no change in the total project score of 169. PM Rowe responded to questions from the Commission.

Chairman Pinion opened the meeting to public comments.

Dick Oliver, project applicant, 275 Saratoga Avenue #105, Santa Clara, addressed the Commission regarding the following items: 1) Schools criterion B2aii, 2 additional points were requested - He summarized his comments presented at the January 11, 2000 Planning Commission Meeting for his application, MP-99-22: Cochrane-Coyotes Estates, regarding the same circumstances surrounding his commitment to the School District to install sufficient offsite pedestrian and or traffic safety improvements; 2) Open Space criterion B2 - He requested the opportunity to review this item with Staff, as he feels the point was previously deducted. Under this same criterion, Mr. Oliver requested Staff to also review the building coverage issue, because for both of his projects since 1995, the open space coverage has been scored by Staff not counting the BMRs because they qualified for the density bonus. He stated that this year this is a new interpretation of this building coverage for both his projects, and that he felt that if there is a new interpretation that it should come from the Commission or the subcommittee. He asked that Staff revisit that issue; 3) Orderly and Contiguous criterion B5, 1 point requested, and Lot Layout criterion B1f, 1 additional point requested - He stated that this item is the new subjective evaluation of the overall site plan, as it similarly is for the Lot Layout criterion B1f. Mr. Oliver reviewed the site plan with the Commission, pointing out the following items that he feels qualify this project as a "superior" site plan and lot layout. 1) Access points have been provided to line up with two existing pieces in the back of the hospital. They specifically omitted any kind of access from Cochrane Road; 2) Put in open space views into the project; 3) Looping street patterns, curved streets and cul-de-sacs; 4) Transition - Specifically created very deep lots and committed to redo all the landscaping with trees on the back side to maintain the agricultural space; 5) Created 10 cul-de-sacs, of which all but 2 backup to open space; 6) Replaced all the duets in the Lot Layout category on corner lots; and 7) Aggregated the open space.

Mr. Oliver continued his supporting comments and requests for point adjustments as follows: 1) Circulation Efficiency criterion B2, 1 point requested - He stated that they have received points for the bus stop in previous competitions; therefore, he felt that they should be entitled to points in this competition. He said that he feels that the bus stop should be viewed just like an opportunity of being closer to the core, or being next to a school, as it is one of those things that as part of the nature of the project should receive that benefit. He stated that he thinks it should be carried forth through the whole project; 2) Circulation Efficiency criterion B3i, 1 point requested - He stated that in the project there is a street that can be viewed as a cul-de-sac or provide for turnarounds. He said that he feels that the street meets the requirement for that criterion; 3)) Circulation Efficiency criterion B5c, 2 points requested - He commented that this item is a global issue discussed at the last Commission meeting that addressed offsite dedications and improvements. Mr. Oliver indicated that the project did not receive any points because

the improvements were done in earlier phases. He reviewed those offsite improvements and pointed out to the Commissioners his letter that indicated the cost breakdown of the offsite improvements totaling \$361,000. Mr. Oliver stated that he felt that the magnitude of offsite dedications and improvements certainly should qualify for more than the first four phases of the project. He stated that they could take any number of allocations that the Commission is willing to give them. Mr. Oliver answered questions from the Commission. Commissioner Sullivan specifically inquired whether Mr. Oliver was aware that there is a form that the State requires for people who are developing right next to a farm, and if he would be having the homeowners sign that form. Mr. Oliver answered that he was aware of the State form, and that he would be having the homeowners that backup to the Mariani Farms sign that form.

Chairman Pinion closed the public hearing.

PM Rowe stated that staff will be going back to review the Schools category, based on the Commission's prior direction. He also stated that he was not aware that there was a change in the methodology with respect to the BMRs and the building coverage calculation, and pointed out that on page 12 of the narrative it clearly indicates that if a project contains a density bonus for providing BMR units, the ratio is to be calculated prior to receiving the density bonus. He explained that the purpose is that the project gets penalized for utilizing the density bonus of a BMR in this criteria. PM Rowe indicated that Staff was not recommending a change in the scoring at this time, but that they were willing to meet with Mr. Oliver and discuss this item, and if an adjustment is warranted, it would be recommended in the final scores.

PM Rowe, upon the request of Chairman Pinion, provided a response to Mr. Oliver's supporting comments for point adjustments regarding his \$361,000 offsite improvements. He stated that in select categories that basically you score everything that is cumulative-to-date. He said that this is not the case in the Circulation Efficiency category, and many of the things that are talked about are offsite public improvements which are in excess of the subdivision requirements. PM Rowe indicated that those improvements do not necessarily improve the efficiency of the circulation within the subdivision itself, even though they certainly improve the circulation of the streets that provide access to that subdivision, but the Circulation Efficiency category is more of an evaluation of what's internal to the project, and that it is designed in such a manner in order to discourage fast-through movement of traffic through the subdivision. He continued by stating that it is easier to evaluate each phase independently, in order to ensure each phase of the project has an efficient circulation. PM Rowe stated that if the overall circulation, including earlier phases are considered, then that would be a change in the methodology from prior years, and would be an item to submit to the subcommittee for review for next year's competition. Commissioner Lyle commented that he agreed with PM Rowe's comments, and further stated that the bulk of the points are primarily for internal project improvements, with the exception of criterion B5, which is very much like the Public facilities category, and pointed out that the consensus of the Commission at the January 11th meeting was that they would consider this criterion like Public Facilities and it would be evaluated on a project-to date basis.

BASED ON THE CONSENSUS OF THE COMMISSION AT THE JANUARY 11, 2000 MEETING, STAFF WILL REVIEW CRITERION B5 UNDER THE CIRCULATION EFFICIENCY CATEGORY FOR THIS PROJECT AND FOR ALL THE OTHER PROJECTS ON A CUMULATIVE-TO-DATE BASIS AS THEY WOULD FOR THE PUBLIC FACILITIES CATEGORY. THIS ISSUE WILL BE SUBMITTED TO THE SUBCOMMITTEE FOR REVIEW FOR NEXT YEAR'S COMPETITION.

Commissioner Sullivan requested Staff to look closely at lots 24 and 25 with respect to what is considered an acceptable buffer for those properties, as her calculations show them to be 30 ft. and 37 ft., respectively, from what is considered an agricultural area. She stated that there are concerns regarding pesticide spray, with respect to what is considered a substantial or recognized buffer.

Commissioner Lyle asked Staff to address the master plan and lot layout issue of why it was not deserving of more points. AP Tolentino responded to Commissioner Lyle's question, stating that it was felt there could have been additional transition between the agricultural land to the east and the homes abutting that property, as well as maybe providing additional landscape buffer along Peet and Cochrane Road. Commissioner Kennett stated that she felt the site plan design "above average".

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION FOR STAFF TO REVIEW THE PROJECT MASTER PLAN CRITERION B1F UNDER THE LOT LAYOUT CATEGORY.

NEW BUSINESS

2) RDCS APPLICATIONS

The following Measure P (MP) applications have requested building allocations for fiscal year 2001-2002 under the City's Residential Development Control System pursuant to Chapter 18.78 of the Morgan Hill Municipal Code.

a) MP-99-24: LLAGAS-DELCO: A request for Measure P allocations for Fiscal Year 2001-2002. The project to consist of 36 single-family detached and 4 single-family attached dwellings on 15.0 acres located on the south side of Llagas Road, between Carriage Drive and Shadowbrook Way. PM Rowe gave a brief description of the project, and indicated that Staff was not recommending any point adjustments at this time. Commissioner Sullivan requested clarification of the scoring of criterion Bdiii. PM Rowe stated that partial credit of 1 point was awarded for the lot design preservation of the existing Llagas Creek alignment, but since the Creek itself, for flood control purposes, will be altered and reconfigured to the extent that the natural conditions will be disturbed, 1 point was deducted. PM Rowe noted that under the Orderly and Contiguous category that Staff is recommending a 1 point deduction because the property is actually zoned R-2, so there is potential for the property to the south zoned R-1/ 7,000 to be subdivided and developed, as was explained by AP Tolentino.

Chairman Pinon opened the meeting to public comments.

Phil Rowe, project applicant, expressed that he disagreed with Staff's comments with respect to the Open Space criterion B1c scoring. He provided the Commission with a more detailed site plan of the project park, pathways and the surrounding open space areas. Mr. Rowe stated that they had received points last year and requested 1 point be awarded again this year.

Vince Burgos, DPC, 352 South Eagle Nest Lane, Danville, prepared the design elements for the project. He requested justification of the scoring of criterion B5 under the Open Space category with respect to the project Master Plan design evaluation. He also explained the transition in the lot sizes in the site plan design under criterion B1e of the Lot Layout category, and requested consideration of the Commission to award the 1 point. Lastly, Mr. Burgos requested that the lot layout rating be changed to "above average" and 1 point given under the Lot Layout criterion B1f, stating that he felt that recognition should be given for the project for receiving points for all the other criteria in this category.

Bill McClintock, project engineer, requested point adjustments for the following items: 1) Natural and Environmental Features criterion B1a, 2 points requested - He stated that 3 points deducted because the fill area exceeds 3 ft. He explained that this property is in a flood plain and that there are minimum elevations that must be met in order to meet the zoning regulations. He added that when the minimum amount of fill is done for the project, it exceeds the 3 ft. zoning requirement; 2) Natural and Environmental Features criterion B1diii, 1 additional point requested - He stated that there was no mention of the trees on the site, and that they are not proposing development in this year's competition on the hillside where all the trees are being preserved. Mr. McClintock also stated that he felt that there is a difference in criteria B1d and B1e, and that credit should be given to criterion B1e based on its own merit because criteria B1d talks about building sites and preserving those areas, while under criterion B1e it is considering the creeks. Messrs. Burgos and McClintock responded to questions from Commissioner Lyle. Phil Rowe also noted that as part of the improvement to Llagas Creek, they have added an overflow area to protect the integrity of the creek. **Staff was requested to review criterion B1e with the applicant to determine if improvements to the Llagas Creek area will warrant point assignment.**

Chairman Pinion closed the public hearing.

PM Rowe provided responses and scoring clarification to the Commissioners' questions regarding the Natural and Environmental Features criteria B1a, B1diii and B1e. Commissioner McMahan requested an explanation from Staff for the scoring of the Lot Layout criterion B1f with respect to the "average" rating for the overall excellence of the lot layout. AP Tolentino indicated that it was felt there could be improvement in 1) the transition between the Christoph properties and the lots along the southern border, as well as the future development area; 2) the need to provide transition between the homes across Hale Avenue; and 3) that there is a lack of vehicular access to Hale Avenue. Commissioner Mueller expressed concern that the lot layout was creating a land-lock situation that will cause difficulty to future development of properties located at the corner of Hale and Llagas, because there are no provisions made to get into that corner. He felt that the project is creating a future circulation problem and consider the layout very bad

for that reason.

Commissioner Lyle commented on two issues regarding the scoring under the Schools category. His first issue was that he wondered if the point should be considered under criterion B2a_{ii} if the problem is being cured. Under B2b, his second issue was that the applicant is actually saying that they are providing two pathways. His question to Staff's comments that "no sidewalks from Old Monterey Road south to Acacia Mobile Home Park on Monterey Road" as the reason for not awarding points to this item, is that if you went south on Hale where the sidewalk is being provided to get to the intermediate school, you could go along Hale and would not have to go along Llagas. So both of those items present the same issue. Should the project receive points for curing the pathway problem.

PM Rowe noted that always in the past, the point under criterion B2a_{ii} has been awarded only if a safe walking route existed at that time. However, he stated that as far as criterion B2b, that Commissioner Lyle is correct, in that they are solving the pathway problem by providing an alternate route that could be taken that would provide a continuous pathway to the school. PM Rowe stated that Staff will look at the Schools criterion B2b to determine if the project should be given the 1 point. Commissioner Ridner asked for a consensus of the Commission as to whether they view the curing of an issue to be adequate allowance for scoring.

IT WAS THE CONSENSUS OF THE COMMISSION NOT TO CONSIDER CURING FOR AWARDING THE 1 POINT FOR CRITERIA B2A_{ii} AND B2B UNDER THE SCHOOLS CATEGORY FOR ALL THE PROJECTS IN THIS YEAR'S COMPETITION, BUT ADDRESS THE ISSUE WITH THE SUBCOMMITTEE FOR REVIEW FOR NEXT YEAR'S COMPETITION.

b) **MP-99-25: E. CENTRAL-WARMINGTON HOMES:** A request for Measure P allocations for Fiscal Year 2001-2002. The project to consist of 44 single-family dwelling units on 13.69 acres located on the north side of Central Avenue, west Serene Drive (former East Lane). PM Rowe presented a brief staff report, and noted that the following point adjustments were recommended by staff: 1) Open Space criterion B1c, 1 point increase given because the bike and pedestrian pathways are provided to the project, and that pathway would connect to the neighboring park of the adjoining project; 2) Orderly and Contiguous criterion B3, 1 point deducted because the percentage of the adjacent land development is only 39.99%. Also, Staff did not concur with the applicant's calculation that 30 ft. of the east project frontage is developed, nor did Staff feel that the single-family medium designated project site to the east is developed to its potential; 3) Orderly and Contiguous criterion B2, 1 additional point was given based on the further examination of the fire response time scores by County Fire that indicated that the project would fall within the required response time of two stations; 4) Lot Layout criterion B1f, 1 additional point recommended due to the fact that the design flaw is considered to be something that could be easily fixed, so the rating was changed to "above average"; and 5) Circulation Efficiency category, the typo of the total was corrected to read 14 points.

Chairman Pinion opened the meeting to public comments.

Vince Burgos, DPC, 352 South Eagle Nest Lane, Danville, requested 1 additional point be awarded under the Housing Types criterion B1a, because he felt that the applicant clearly proposed 4 duet units containing 8 units within those 4 buildings, and that 4 of those are BMRs. He pointed out where it is noted as such on pages 3 and 5 of the project narrative.

Bill McClintock, project engineer, requested that 1 point be given under the Orderly and Contiguous criterion B3 where Staff has computed the percentage of the project site adjacent to existing development as 39.99%. He indicated that Warmington is developing 40% and that the criteria is listed in two digit numbers, but Staff is carrying the number to four digits. Commissioner Lyle pointed out that at 40% the criterion is still only entitled to 2 points as it was scored. Mr. McClintock wanted the Commission to then give consideration to the fact that Warmington has developed 30 ft. of the frontage as street. He stated that with the Kendal Wood project they have built the street on both sides, and there is no more improvements that need to be done on that part of the frontage; therefore increasing the percentage to 40.8%, in which case he requested 1 additional point.

PM Rowe responded to Mr. McClintock's request for using the street for adjacency to an existing development issue, and stated that if Staff were to say that the street is developed, and then all of the frontages to the south of it has a developed street and then should be counted as an existing development when in fact there is some portion across the street that still has some further development potential. PM Rowe continued by saying that it has always been the methodology that you look across the street in terms for defining that development rather than the street itself. Commissioner Lyle indicated that this project and one other are attempting to claim a street that is already completed. He noted that in last year's competition there were a number of projects with this same situation where it was decided that the street is not sufficient to say something is developed, and he felt that the same situation exist with this project.

Commissioner Lyle also provided comments on Housing Types criterion B1a, indicating that he agree that they should be given credit for 4 and 4 units , but since it is a 44-unit project, it requires 4.4 units, and that is not part of this application, even though the applicant indicated that they could make it up later. He continued by stating that not only should they not receive points under criterion B1a, because of the variation requirement, they also should not receive 2 points under criterion B3, because you cannot count the small units as they do not meet the 10% total units requirement. PM Rowe requested guidance from the Commission because there are three projects where the points in the Housing Types category could be effected depending on whether one approach or another is used. He also requested that HPC Balderas be allowed to review the two different methodologies that could be considered. PM Rowe addressed questions from the Commission.

Commissioner Sullivan commented that the driveways of lots #9 and #10 of he project are shown as an easement onto the park, and asked for clarification from Staff whether those driveways would be included as the park area. PM Rowe stated that Staff did not see the driveway situation for those lots as desirable, which prompted the lowering of the score of the project under criterion B1f to an "average" rating. Commissioner Sullivan also

expressed concern with the issue of whether the potential BMR attached units on the corner lots 8, 11 and 12 have backyards or sideyards that meet the criterion B1a requirements. She requested Staff to look at this issue confirm how a sideyard is determined, and whether credit was given for these lots for having excessively wide sideyards when, in fact, there may not even be a backyard.

Chairman Pinion reopened the public hearing to comments.

Mr. McClintock made additional supporting comments regarding the developed frontage of the project.

Chairman Pinion closed the public hearing.

RECESS

Chairman Pinion adjourned the meeting to a recess at 6:30 p.m.

REGULAR MEETING (CONTINUED) - 7:00 P.M.

Chairman Pinion reconvened the meeting at 7:00 p.m.

HPC Balderas presented the following two scoring methodologies for calculating the housing size variation under the Housing Types category: Under Method #1, the floor plans are aggregated for size between plans and percentage. The smallest of the plans and the largest are used to determine the 50% size variation. Under Method #2, floor plans are aggregated for size between plans only. The smallest and largest floor plans must also have at least a 10% representation to be used in determining the 50% size variation. HPC Balderas stated that when using method #2, that she has found that there has been instances where small projects, even though there may have been a variety of floor plans, did not meet the 10% requirement, so consequently, they do not qualify for the 2 points in that category. She then asked for direction from the Commission on how to proceed in scoring criterion B3.

Commissioner Lyle stated that from what he recalls, neither one of the two methods presented by HPC Balderas has been used in the past, and that he believed that a variation of method #1 had been used. He explained how he thought it was determined in the past. Commissioner Sullivan suggested taking the weighted average of the aggregate. PM Rowe indicated that the key is that the scoring criteria makes it very clear that if you do not have the required difference in square footages between plans, that for unit size purposes, you aggregate units. He added that in past years, Staff aggregated the units both for determining the variation in size and also to see if the resulting totals met the 10% requirement. PM Rowe continued by stating that when he met with HPC Balderas, he concurred with the method stated by Commissioner Lyle, by taking the high end of the range because in all cases you can say that at least 10% of the units are of that square footage or less, whereas if you take the low end, you could not make that statement because there is only that percentage that were less than 10% that was in the range. Commissioner Mueller commented that he also preferred the method explained by

Commissioner Lyle. Chairman Pinion stated that it seemed to him that you would be penalizing a project for having more variety by having several floor plans that are so close in size that they would not meet the 200 sq. ft. difference. He also stated that he felt that taking a weighted average across what has been aggregated would be his preference. Commissioner McMahon stated that she felt Commissioner Lyle's proposed method would more likely prevent the situation pointed out by Chairman Pinion from occurring. She felt that if averages are used they would be less creative about putting in different mixes of floor plans, because if you are just going to try to meet the criteria, you only need to meet the average. Chairman Pinion felt that if on the low end you are only taking the highest one that falls in the aggregate, and then on the high end you are only taking the lowest that falls in the aggregate for comparison, then there is no incentive at all to have that variation at the high end or the low end, and the project is being penalized. Commissioners Sullivan and Rider felt the developers would want diversity in their product as well, and agreed with Chairman Pinion's comments in favoring the weighted average method.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION THAT THE WEIGHTED AVERAGE APPROACH BE USED.

Commissioner Mueller expressed concern with the project being next to the biggest and best business park in town, yet there is no way to get to it without driving. He said that he feels there should be some way for this project to get an alternate transportation route to get there. Commissioner Mueller further stated that he felt that to be a deficit to this design because there is nothing for people to utilize by walking or riding a bicycle to get there. Commissioner Mueller felt this issue should be looked at in the future for later competitions.

c) **MP-99-26: MALAGUERRA-ANSUINI/MANCIAS:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 15 single-family detached units on a 4.83 acre parcel located on Malaguerra Ave., north of Cochrane Rd. PM Rowe gave a brief description of the project. He indicated that Staff recommended the following point adjustments: 1) Part A, Police and Fire - adjustment to a passing score of 10 based on the review of the response time now provided by County Fire, as the mapping process allows the 100% range to run out Cochrane Road past Malaguerra Avenue, a distance of approximately 500-600 ft. to St. Marks Drive where it stops; and 2) Part B, Orderly and Contiguous criterion B1- 1 additional point awarded as a result of the review by County Fire indicating that the project is within the 100% response time for one station.

IT WAS THE CONSENSUS OF THE COMMISSION TO CONCUR WITH STAFF'S RECOMMENDED POINT ADJUSTMENTS TO PART "A" FOR THE POLICE AND FIRE CATEGORY, AND CRITERION B2 UNDER THE ORDERLY AND CONTIGUOUS CATEGORY.

PM Rowe continued by addressing the following items: 1) Orderly and Contiguous criterion B1, no recommendation for adjustment in points - Staff calculated the distance from the central core to be 5800 ft.; and 2) Lot Layout criterion B1f, no additional points recommended - In terms of the Master Plan, the lack of common open space is

considered a design flaw, and the transition of lot sizes considered "above average" not "superior". The total score for Part "B" for the project remained at 170. PM Rowe responded to questions from the Commission.

Commissioner Sullivan inquired if Mancias Drive would be going through, and PM Rowe answered that it would not, that it's being stubbed out because of the lack of an agreement with the adjoining property owner dealing with the extension of the gridding of the lines. Commissioner Mueller raised a concern regarding the City not taking a stance on this street going through. He stated that if they wait much longer, there could be impacts on another project because of how they have been scoring it a certain way, and then all of a sudden we are going to say no. Commissioner Mueller further stated that he agrees that the street going through would be a benefit to the area. Commissioner Sullivan added that the stubbed street gives the presumption of acceptability when it's seen and it never changes. Commissioner Lyle stated that he had the same issue under the Circulation Efficiency criterion B3b, pointing out that he does not feel they should be getting points for proposing that Mancias Drive will be going to go through. PM Rowe responded that with respect to criterion B3b, that by providing the stub out, it is making it possible for the street to go through to the adjacent development, and thereby providing for the future extension of the road. He continued by stating that regardless of the circumstances, if the project should receive allocations, that at the time of their request to subdivide the adjacent property, Staff would recommend that the map be modified to make the street connection, and he felt that at that point in time they would modify their map to make that modification because then it would not be detrimental and instead would be a negative, thus creating an incentive for them to cooperative in that regard.

Chairman Pinion opened the public comments.

Bill McClintock, project engineer, indicated that under the Open Space criterion B1c, that though noted, there is no park in this project, but there is open space area that is being dedicated to the SCVWD. He stated that in last year's application they showed a pathway with steps down to the creek to promote fishing in Coyote Creek, and noted that this item was given credit last year for the pathway, and that there was a comment in last year's staff report that there was a street that goes directly to the park. Therefore, he felt that there is efficient access down the street to this open space area. Mr. McClintock requested 1 point under this criterion. He also addressed the Orderly and Contiguous criterion B5 and the Lot Layout criterion B1f with respect to the lot transitioning and there being no park in the project Master Plan site design. Mr. McClintock stated that on three sides of the lot they have very good transition, with a little disparity on the south side of the site. He further indicated that they understood, based in the change in the criteria that you can buy points now and not have to put in the small pocket parks for small projects, as the City is really discouraging those types of parks, so they removed the small park from their plan, and that being the case, did not feel that not having a park would be a flaw in the design. Mr. McClintock requested 1 additional point for those criteria.

Chairman Pinion closed the public hearing.

Commissioner Lyle commented that with respect to the park, Mr. McClintock is correct

that in this year's criteria it was changed to discourage projects of 15 units or less for having parks, so he does not think that criteria should have been used to reduce the points. PM Rowe noted that there were two other areas that effected the scoring, and they rated it "above average" but not "superior". Commissioner Mueller stated that he had a problem with the "above average" rating when over half of the lots are below the 20,000 sq. ft. zoning designation. Commissioner Sullivan agreed with Commissioner Mueller, and added that she also did not think the transitioning worked very well. Commissioner McMahon asked for clarification from Staff why points were not awarded under the Open Space criterion B1c for pathway access adjacent to the creek. PM Rowe explained Staff's reasoning for not awarding points for this criterion was because it is a public sidewalk, and public sidewalks do not receive points. **Staff was requested to review how this item was scored last year in order to maintain consistency in the scoring of the project.** Commissioner Sullivan stated that she felt that criteria B1e and B1f regarding a sufficient transition in lot sizes and the overall excellence of the lot layout were over-scored.

THE CONSENSUS OF THE COMMISSION WAS NOT TO CHANGE ANY SCORING AT THIS TIME, BUT TO REVIEW THESE ISSUES UNDER THE NEXT COMPETITION.

d) **MP-99-27: DIANA-SHELTON:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 34 single-family detached and 4 single-family attached dwellings on 15.65 acres located on the south side of Diana Avenue and the northerly extensions of Jasmine Way, west of Murphy Avenue. PM Rowe gave a brief description of the project. He stated that no point adjustments were recommended by Staff. He did request discussion be held by the Commission regarding the Lot Layout area and the Orderly and Contiguous criterion B1f. PM Rowe stated that Staff feels that this is an example of a project that would rate "superior", based on the way that they effectively deal with the number of street stub outs; the way the curvilinear streets are designed to discourage fast through movements; they have addressed the larger lots on James Court on the west side, minimizing the number of property line divisions that interface with those lots and providing larger lots on that side; the sensible location and accessible open space features; and that overall staff feels that the necessary transitioning has been provided.

Chairman Pinion opened the meeting to public comments.

Bill McClintock, project engineer, requested 1 point under Schools criterion B2b, pointing out that the project did not receive points for proposing to paint crosswalks at all the intersections on the route to Nordstrom School nor for the bus drop off at Nordstrom School, which was an item the project did receive points for last year. He added that due to the shortness of time to get the Schools category done, they would like to offer an amenity of equal or better quality in order to get a point for this criterion. Commissioner Sullivan asked if this project is located across the street from an active farming area, and if so, will the people be given an opportunity to sign the required State form. Mr. McClintock responded yes to both questions, indicating that the Guglielmo Winery is located immediately to the north on Diana Avenue.

Chairman Pinion closed the public hearing.

Commissioner Lyle stated that he felt this project should get the point under criterion B2b, for consistency sake, because project MP-99-16 makes a very similar claim for what they are going to provide and they are getting the point, as well as they are getting the point under the Public Facilities category.

IT WAS THE CONSENSUS OF THE COMMISSION THAT STAFF REVIEW CRITERION B2B UNDER THE SCHOOLS CATEGORY AND THE PUBLIC FACILITIES CATEGORY FOR CORRECTNESS AND CONSISTENCY FOR THIS PROJECT AND PROJECT MP-99-16: HILL-O'CONNELL.

Commissioner Mueller commented that he has a general issue with respect to the proposed linear park and pathway down along the street, and stated that he is having a problem with the concept and with having it show up under the Parks and Paths category. He said he is in favor of separate sidewalks, as opposed to sidewalks that are attached to the street. It was agreed that this issue will be forwarded to the subcommittee for future review.

e) **MP-99-28: DEL MONTE-PATEL**: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 15 single-family attached dwellings on 2.77 acres located on the east side of Del Monte Avenue north of Wright Avenue. PM Rowe gave a brief description of the project, and reviewed the following point adjustments recommended by Staff: 1) Open Space criterion B1c, 1 additional point given - project is proposing a bicycle/pedestrian path along the project frontage to provide access for all residences to the open space area; and 2) Housing Types criterion, 1 point awarded for qualifying for two housing types, resulting in a total of 163 points for the project. PM Rowe and AP Tolentino responded to questions from the Commission.

Chairman Pinion opened the public hearing.

James Chan, representative for the applicants Mr. and Mrs. Patel, addressed the Commission providing supporting comments for requesting additional points as follows: 1) Schools criterion B2c, requested 2 points - He stated that the project received points for the pedestrian safety improvements under criterion B2b, and felt that they should also receive points under criterion B2c for the caution signals being provided; 2) Open Space criteria B1c, requesting 1 point - He felt that the total building coverage was calculated incorrectly, as he computed it to be 29.88%, and indicated that even when rounded up to 29.9%, it is still less than 30%, so 7 points versus 6 should be given for that item; 3) Orderly and Contiguous criterion B5, 1 point requested - He noted that since this is a small project, the plan does not require a park or open space; however, those amenities are being proposed with this project, along with a walkway to connect all the parks to all the residents. Therefore, he feels that the Master Plan design should receive an "above average" rating, and requested an explanation from staff for the "poor" rating; 4) Parks and Paths criterion, 4 points requested again for park and open space amenities in the project; 5) Lot Layout criterion B1a, requested 1 point - He stated that this project exceeds the minimum side yard setback of the R-3 by 2 ft.; 6) Lot Layout criterion B1f,

2 points requested - He stated that for a small project like this they do not intend to build more driveways and more streets, but instead they would like to offer more open space parks for the advantage of the residents and neighbors. He stated that he felt the rating should be "above average", and requested explanation from Staff for rating the site layout "average"; 7) Open Space criterion B2a 1 point requested - He stated that they have 6 lots that view the open space; 8) Open Space criterion B3c, 1 point requested - He stated the project has 4 standard lot widths; 9) Circulation Efficiency criterion, 1 point requested - He stated that the project proposes to install all on-site walkways and a bike path constructed with concrete, but never proposed a Class I bike path; and 10) Circulation Efficiency criterion, 1 point requested - He stated that all the streets are designed to meet City standards, and because this is a small project, they do not want to provide looping pattern in the streets, but that they have provided a cul-de-sac that provides full turn around for police and fire.

Chairman Pinion closed the public hearing.

PM Rowe stated that Staff would review the Schools criterion B2c, to see if it worth 2 points under Bc as opposed to 1 point under criterion B2b. Commissioner Lyle pointed out that the project seems to have 4 different lot widths, and that the applicant's way of computing the widths may agree with one of the methodologies discussed earlier. PM Rowe agreed that Staff will review the Lot Layout criterion B3c, using the same methodology method agreed to by the Commission earlier. Commissioner Lyle then pointed out that under criterion B3c that the item is already at the maximum.

f) MP-99-29: HILL-GERA: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 11 single-family detached dwellings on 9.75 acres located on the west side of Hill Road between Jean Court and Pear Drive. PM gave a brief description of the project, and reviewed the point adjustment recommended by staff as follows: 1) Open Space criteria B3a and B3b - The project is providing a park, therefore they are not entitled to purchase the TDCs. TDCs are a point opportunity in lieu of the dedication requirement for in lieu of providing open space and is discouraged for the smaller projects. Therefore, the project is only entitled to 4 points for the TDC commitment. The resulting net total score is 166.

Chairman Pinion opened the hearing to public comments.

Bill McClintock, project engineer, agreed with the point reduction for TDCs when you have a park. He requested 1 additional point for the Housing Types criterion B1a, stating that they clearly wanted to provide secondary dwelling units, and Staff did not award points because it was not shown in the housing marketability and price distribution, and site development plan. He stated that they indicated so on pages 3 and 38 of the application. Mr. McClintock also requested 1 point under the Circulation Efficiency criterion for the proposed Class I bicycle path along Hill Road. He stated that even though the General Plan does not call for a Class I bicycle path on Hill Road, and that they should not have called it a Class I bicycle path, he wanted to request consideration from the Commission that the project be given credit for this 8 ft. wide pathway along Hill Road as a low maintenance onsite bike path, as he feels it would be a significant enhancement for

the neighborhood.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION THAT THE PROJECT MET THE HOUSING TYPES CRITERION B1A, AND WOULD BE ENTITLED TO 2 ADDITIONAL POINT, BASED ON THE GRANNY UNITS. STAFF TO REVIEW THIS ITEM.

Commissioner Mueller stated that this project is another instance where not even one lot meets the zoning requirements, and he has a real problem with that issue. PM Rowe noted that if you apply the density bonus for the BMRs, then the lot sizes fall within the zoning ordinance for that area. Commissioner Lyle pointed out that they also could have met the zoning requirement because they are purchasing 2 TDCS for which they get credit for 2 additional units. Commissioner Sullivan requested staff to review the transition of the project.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION TO HAVE STAFF REVIEW ITEM B1E UNDER THE LOT LAYOUT CATEGORY.

One of the neighboring residents to the project advised the Commission that he did not receive a notice of tonight's public hearing. PM Rowe stated that since the Measure P competition process is not a formal approval hearing, that there is no legal noticing requirement, and that letters were mailed to the property owners that are within 300 ft. of the project site as a courtesy. He further stated that the applicant would have to provide a complete mailing list if they receive allocations and go through the formal approval process. Chairman Pinion also pointed out that if and when the project is awarded allocations, there will be other hearings regarding the project, as well as there will be legal notices that the speaker should be receiving, at which time he could provide comments. He added that at this point in time since points are being awarding under the Measure P process, if the speaker wanted to comment on the project, it would be to speak in favor or against specific point awards.

g) MP-99-30: PEEBLES-MIYASAKA: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 7 single-family detached dwellings on 3.59 acres located on the north east and west sides of Clayton Avenue north of Peebles Avenue. PM Rowe gave a brief description of the project, and reviewed the following scoring recommendations of Staff: 1) Orderly and Contiguous - No points recommended, stating that in terms of the adjacency issue noted in the applicant's letter, the applicant requested the properties to the west be considered as fully developed as existing lots of record. Although the properties are existing lots, they date back to the twenties and were acknowledged through more recent times with a certificate of compliance. Staff did not feel that the circumstances exist to acknowledge them as lots with approved final maps, and considered them as future development; 2) Orderly and Contiguous criterion B5, 1 point awarded with regard to the Master Plan, as it was not felt that it had any design flaws that would require significant redesign, and in addition the Master Plan provides for a row of trees to be planted on the east boundary as a buffer between agriculture land, and

also single-family homes are proposed on the north and south end of the site to provide for compatibility and esthetic purposes, and the increased setbacks are also provided and units are staggered along the roadway.

Chairman Pinion opened the public hearing.

Bill McClintock, project engineer, requested the following point adjustments: 1) Schools criterion B2b, 1 point requested - He stated that he did not understand why the proposal was not accepted favorably, and that he also had difficulty in understanding Staff's comment that the grade difference was not a right-of-way and that it was not available for this improvement. He stated that the right-of-way is available, and he did not know what the issue is with the grade difference; 2) Schools criterion B2c, 1 additional point requested - He had an issue with the 1 point received for the proposal that would cost \$8,800. He stated that under the formula of \$1,000 per unit, the project would qualify for the 2 points. 2) Circulation Efficiency criteria regarding fast-through traffic and the proposal to have a stub street. He agreed with Staff that the stub street definitely cannot go through as proposed, in such case, it is not possible to have fast-through traffic if the road is not going through. He pointed out that they showed a stub street, but did not get credit for it, and if the road really can't go through then it can't be a fast-through street. He asked that credit be given back for one of those criteria.

PM ROWE STATED THAT STAFF WILL REVIEW CRITERION B2C UNDER THE SCHOOLS CATEGORY. He also addressed the grade difference issue mentioned by Mr. McClintock. He stated that he thinks that Staff was initially looking at scoring the grade differential at Tilton Avenue as a cross walk. However, he noted that this is regarding modification of the existing signal at Tilton and Monterey Road in order to provide crossing at that point. **PM ROWE STATED THAT STAFF WILL ALSO LOOK AT CRITERION B2B UNDER THE SCHOOLS CATEGORY.**

AE Creer addressed the double-jeopardy issue raised by Mr. McClintock regarding criteria B3a and B3b under the Circulation Efficiency category. He stated that having a cul-de-sac does not necessarily mean fast-through traffic will be discouraged, and he did not recommend a change in the scoring.

h) MP-99-31: HALE-SHENG: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 13 single-family attached dwellings on 4.13 acres located on the west side of Hale Ave., between Wright and Llagas Rd. PM Rowe gave a brief description of the project, and reviewed the scoring recommended by Staff as follows: 1) Housing Types criterion B3, 2 additional points awarded - Only two types required to qualify for total credit; 2) Lot Layout criterion B2d, no point change recommended - the angled garages were not considered as having variation placement, as that plan makes the garages more noticeable. Also the typo was corrected to show the total as 10 instead of 9 points for the category; 3) Orderly and Contiguous criterion B5 with respect to the Master Plan, no change recommended based on the some of the design flaws, which include excessive use of common drives, as well as "below average" circulation on the site. AE Creer responded to questions from the Commission.

Chairman Pinion opened the meeting to Public Comments.

Steve Sheng, project applicant, requested point adjustments in the following areas: 1) Schools criterion B2c, 2 points requested - He stated that they provided sidewalks and caution signals as part of their pedestrian safety improvements; 2) Orderly and Contiguous criterion B5, 1 point requested - He disagreed with the 1 point deduction because he feels the Master Plan design desirable, as they provided Water District improvements so that they would not need to build a bridge, and a lot of open space and trees provided on the back side; 3) Lot Layout criterion B2d, 2 points requested because he does not feel that the garages are that visible; 4) Circulation Efficiency criterion B1, requested 1 point, indicating that he has a letter from the Water District which addresses his application and the Delco application, granting approval of the pathway; 5) Circulation Efficiency criterion B3i, 1 point requested - He stated that even though the cul-de-sac will not be seen clearly from Hale Avenue, it is seen very clearly from the Llagas Creek Road; and 5) Natural and Environmental Features criterion B1eiii, 2 points requested because they made a bridge crossover and provide a lot of open space on the back hillside, and also tried to preserve the natural condition of the creek.

Vince Burgos, DPC, 352 South Eagle Nest Lane, Danville, stated that the open space on this project has always been retained as permanent open space and it isn't to be altered. Under the new criteria because it is a small unit, they are not required to provide an open space area. He clarified Mr. Sheng's request under the Schools criterion B2c, stating that they were provided 1 point instead of the 2 points for the proposed pedestrian crossing caution signal improvement, as was awarded to one of the previous applications. **Staff was requested to review whether this issue should be evaluated under criteria B2b and B2c.** Mr. Burgos stated that he could provide a letter from the Water District with a plan for improving the natural condition of the creek.

Bill McClintock explained the flood elevations of the pads of the project, and responded to questions from the Commission. PM Rowe also addressed questions from the Commission. Commissioner Mueller commented that when looking at the Sheng and Delco projects for points, if they are given points for the pedestrian paths, that the need exist to solve how these projects can get around the existing residences, and how to tie the into the other trail, otherwise it is like a Class I bike trail across one project that does not go anywhere. He added that should the applicants be thinking of getting another point, they should have to solve that issue.

Commissioner Lyle commented on the single-story element and single-family attached housing that is being claimed by some of the projects, stating that there is not a lot of difference in the single-story element and the two-story element, and that they are not truly meeting the variation desired. He suggested that the criteria be changed to get the variation for R-2 and R-3 projects.

OTHER BUSINESS

3) RDCS

The following Measure P (MP) applications have requested building allocations

APPLICATIONS for Fiscal Year 2001-2002 under the City's Residential Development Control System pursuant to Chapter 18.78 of the Morgan Hill Municipal Code.

a) **MP-99-12: HALE-MADRONE CROSSING:** A request for Measure P

allocations for Fiscal Year 2001-2002. The project consists of 44 single family residential dwellings on a portion of a 51.73 acre site on the south side of Tilton Avenue between Monterey Road and Hale Avenue.

b) **MP-99-13: E. CENTRAL-CENTRAL PARK:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 69 single family residential dwellings on 23.90 acres on the northerly extension of Calle Hermosa, north of Central Avenue.

c) **MP-99-14: SANTA TERESA-QUAIL MEADOWS:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 6 single family detached dwellings on 7.02 acres on the west side of Santa Teresa Boulevard, north of Native Dancer Drive.

d) **MP-99-15: SUNNYSIDE-SUNNY OAKS:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 52 single family dwellings on 11.3 acres at the northeasterly corner of Sunnyside Avenue and Watsonville Road.

e) **MP-99-16: E. DUNNE-TOVARE ASSOCIATES:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 48 single family residential dwellings on a 18.56 acre parcel located on the south side of East Dunne Avenue approximately 700 feet west of Hill Road.

f) **MP-99-17: CENTRAL-PACIFIC UNION HOMES:** A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 41 single family attached residential dwellings on 7.53 acres on the north side of E. Central Avenue at the northerly extension of Calle Mazatan.

g) **MP-99-18: BUTTERFIELD-THE DESILVA GROUP:** A request for Measure P allocations for Fiscal Year 2001-2002. The 109 unit condominium project is located on a 7.77 acre parcel on Diana Avenue and Butterfield Boulevard, adjacent to the Union Pacific Railroad line.

h) **MP-99-19: E. MAIN-PACIFIC UNION HOMES:** A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 31 single family attached residential dwellings on 5.13 acres on the south side of E. Central Avenue west of Calle Mazatan.

i) **MP-99-20: MURPHY-NEW CENTURY HOMES:** A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 43 single family attached residential dwellings on 6.77 acres located on the west side of Murphy Avenue opposite

—
Kelly Park Circle.

j) **MP-99-21: SAN PEDRO-LUPINA:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 25 single family detached dwellings and 12 single family attached dwelling units on 8.43 acres on the easterly extension of San Gabriel Avenue, south of San Pedro Avenue.

k) **MP-99-22: COCHRANE-COYOTE ESTATE:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 49 single-family dwellings on a portion of a 69.54 site located on the northeast corner of Cochrane and Peet Roads.

Recommendation: No action required

ANNOUNCEMENTS

- PM Rowe announced that the final Measure P points will be awarded at the February 8th Planning Commission meeting.
- He reminded the Commission of the joint meeting with the City Council and the General Plan Task Force Committee on Monday, January 24th at 7 p.m. at The Friendly Inn.

CITY COUNCIL REPORTS

ADJOURNMENT There being no further business, Chairman Pinion adjourned the meeting at 10:15 p.m.

MINUTES RECORDED AND PREPARED BY:

FRANCES O. SMITH, Administrative Secretary

PLANNING COMMISSION MINUTES

JANUARY 18, 2000

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